

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 23 of 2021**

- Shambhu Lal Yadav s/o. Shri Mangal Lal Yadav aged about 30 years, Ward No.08, Manendragarh, PS & Tahsil Manendragarh, Dist. Koriya (CG). --Applicant

Vs.

- State of Chhattisgarh through Station House Officer, PS Manendragarh, District Koriya (CG). --Non-applicant

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| For Applicant | : | Ms. Deblina Maithy, Advocate. |
| For State     | : | Mr. Sudhir Sahu, Panel Lawyer |

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**Hon'ble Shri Justice Gautam Chourdiya****Order on Board****8-2-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 7-11-2020 in connection with Crime No. 262 of 2020 registered at Police Station Manendragarh, District Koriya (CG) for the offence punishable under Sections 294, 506, 33 and 436 of IPC.
2. Case of the prosecution, in brief, is that the complainant namely Shyam Bai, who is mother of the applicant, lodged a report in Police Station stating therein that on 6-11-2020, present applicant after consuming liquor committed marpit with her and her husband, thereafter, threw grains kept in her house. Further allegation against the present applicant is that he set fire the

clothes as a result of which some house hold things were damaged, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the offence is triable by the Magistrate. He would further submit that the entire matter relates to dispute between the family members and on account of sudden anger the aforesaid crime was registered. He would further submit that the complainant who is mother of the applicant also moved an affidavit before the trial court wherein she has not raised any objection to grant of bail to the applicant which is evident from Annexure A/2. He would further submit that except present one, applicant has no other criminal case, he is in jail since 7-11-2020 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the present applicants have no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the affidavit (Annexure A/2) filed before the trial court by the complainant who is mother of present applicant wherein she has not raised objection to grant of bail to the applicant, the detention period of the applicant, charge sheet has been filed, there is no

likelihood of the applicant tampering with the evidence of absconding and the applicant has no other criminal case as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:

- i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial and
- iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

**(Gautam Chourdiya)**  
**Judge**

Raju